

Application No. 09/916,934

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ABSTRACT

~~A plurality of components are provided to be assembled into a plurality of brackets each of a different configuration, one of the components includes a shaft holder having an opening formed therein. At least one of the brackets can be assembled from less than all of the components, wherein each of the brackets at least includes the shaft holder. The bracket can be used in the form of a wall mount, a clamp mount, a flat mount and the like for mounting a device to a supporting surface using the shaft holder.~~

A method of assembling a bracket from a plurality of components adapted for mounting a device for a supporting surface. A plurality of components are provided which can be assembled into a plurality of brackets each of a different configuration. At least one of the components includes a shaft holder having an opening formed therein adapted to movably support the device. At least one of the brackets can be assembled from less than all of the components. The brackets are formed by assembling a plurality of the components including at least the shaft holder.

REMARKS

This Amendment is in response to the outstanding Official Action dated January 16, 2002, the shortened statutory period for filing a response being set to expire on April 16, 2002. In view of the within remarks, reconsideration of the Examiner's rejection is respectfully requested.

The Examiner has objected to the title as not being descriptive, as well as the Abstract as not describing the claimed method of assembling a bracket from a plurality of components. Applicant has amended the title while submitting a new Abstract thereby overcoming the Examiner's rejection.

The Examiner has rejected claims 7, 10 and 16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claiming the subject matter which Applicant regards as the invention. Specifically, the Examiner states that the term "the group" lacks antecedent basis in each of the aforementioned claims. It is pointed out to the Examiner that dependent claims 7, 10 and 16 include a Marcush group and has therefore used the accepted terminology "the group consisting of a clamp mount, a wall mount and a flat mount." The Examiner should review MPEP §2173.05(h). Accordingly, the terminology used in the aforementioned claims is in full compliance with the provisions of 35 U.S.C. §112, and notice to that effect is respectfully requested.

The present invention is directed to a method for assembling a bracket from a plurality of components adapted for mounting a device to a supporting surface. The method as set forth in the claims includes providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration. At least one of the components includes a shaft holder having an opening formed therein adapted to removably support the device. A plurality of the components, including at least the shaft holder, are assembled into one of

the brackets, wherein at least one of the brackets can be assembled from less than all of the components provided. This feature of Applicant's claimed invention is neither disclosed in nor rendered obvious from the prior art cited by the Examiner.

More specifically, the Examiner has rejected Applicant's claims under 35 U.S.C. §103(a) over the combination of Knedlik, et al., U.S. Patent No. 3,628,759 in combination with Bateman, U.S. Patent No. 5,277,432, and as to certain claims, in further combination with Leisner, U.S. Patent No. 4,198,775. The Examiner states that Knedlik, et al. teaches a method of assembling a bracket from a plurality of components for mounting a device to a supporting surface. The Examiner states that Knedlik, et al. teaches all of Applicant's claimed steps, including providing a shaft holder 12, but for providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration with at least one of the brackets adapted to be assembled from less than all of the components. To this end, the Examiner refers to Bateman as teaching this step which is not disclosed in Knedlik, et al. The Examiner states that the motivation for modifying Knedlik, et al. to include the teachings of Bateman is to manufacture a versatile and economical product. The Examiner's rejection is factually flawed, and therefore, cannot support the rejection which must now be withdrawn.

Knedlik, et al. discloses a fishing rod holder constructed from an assembly of components as shown in, for example, Fig. 1. The fact is that Knedlik, et al. discloses only a single fishing rod holder arrangement, and no other arrangement. As disclosed in Fig. 1, the tubular holder 12 is pivotably attached to U-shaped channel 38, which in turn, is connected to base 16 via pin 44. The base is mounted to a boat transom or gunwale socket as is conventional using fastener 30.

Knedlik, et al. describes no other possible arrangement of the components of the fishing rod holder other than that described and as shown in Fig. 1. The fact is, Knedlik, et al. has contemplated only a single bracket design resulting from the assembly of all of the components provided. There is nothing in Knedlik, et al. to suggest the construction of any other bracket, nor certainly a bracket formed from less than all the components.

Despite the clear absence of any teaching or suggestion of another fishing rod holder assembly, the Examiner states that it would be obvious for Knedlik, et al. to form an undisclosed bracket with less than all of the components so as to manufacture a versatile and economical product. Applicant is at a loss as to what other bracket design the Examiner is referring to as there is no such disclosure in Knedlik, et al. of any other bracket. Knedlik, et al. has contemplated only a single bracket design, having no concern for providing multiple bracket designs with certain of the brackets being formed from less than all of the components.

The Examiner to overcome this clear deficiency in Knedlik, et al. refers to Bateman. Bateman appears to disclose a modular target system with interchangeable parts. However, Knedlik, et al. does not disclose a fishing rod holder with interchangeable parts. Thus, any teachings of Bateman are not relevant or capable of being adopted in the fishing rod holder of Knedlik, et al. Even if one were to consider the teachings of Bateman, there is no other bracket design disclosed which Knedlik, et al. could assemble. It is not possible for Knedlik, et al. to form any other fishing rod holder other than that which Knedlik, et al. discloses. One cannot modify Knedlik, et al. to incorporate any of the teachings of Bateman as this is contrary to the single construction disclosed in Knedlik, et al. As Knedlik, et al. and Bateman cannot be combined as suggested by the Examiner, nor does any such combination render obvious

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Applicant's invention, the Examiner's rejection is considered traversed and must therefore be withdrawn.

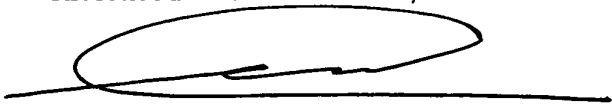
In considering Applicant's within response, Applicant designates the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

As all claims pending in this application possess the requisite novelty and unobviousness over the prior art of record, notice to that effect is respectfully requested. If, for any reason the Examiner is of the opinion that such action cannot be taken at this time, he is invited to telephone the undersigned at (908) 654-5000 in order to overcome any additional issue that may be unresolved.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

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